## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

LEE GEORGE MOORE,	)	
Plaintiff,	)	
V.	)	No. 4:09CV772 AGF
BEAVAIS MANOR ON THE PARK,	)	
Defendant.	)	

## **MEMORANDUM AND ORDER**

This matter is before the Court upon plaintiff's motion to proceed in forma pauperis [Doc. #2]. Upon consideration of the information in plaintiff's financial affidavit, the Court finds that plaintiff is able to pay the filing fee. As a result, the Court will order plaintiff to pay the statutory filing fee of \$350.00 within thirty days. If plaintiff fails to pay the filing fee as ordered, the Court will dismiss this case without prejudice.

The Court notes that if plaintiff pays the filing fee, plaintiff will be responsible for serving the summons and the complaint upon the defendant(s) or requesting the defendant(s) to waive service of summons. See Fed. R. Civ. P. 4(c), (d). Plaintiff may seek guidance on serving the defendant from the Office of the Clerk.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff shall pay the filing fee of \$350.00 within thirty (30) days of the date of this Order.

**IT IS FURTHER ORDERED** that if plaintiff fails to pay the filing fee within thirty (30) days, this case shall be dismissed without prejudice.

Dated this 21st Day of May, 2009.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE